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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH**

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**EARL AL KALASHNIKOV,**  
**Plaintiff,**

**v.**

**GARY R. HERBERT, et al.,**  
**Defendants.**

**ORDER  
APPROVING OF AND  
ADOPTING REPORT AND  
RECOMMENDATION**

**Case No. 2:19-cv-411**

**Judge Clark Waddoups**

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On March 20, 2020, Plaintiff Earl Al Kalashnikov, proceeding *in forma pauperis*, filed a *pro se* Amended Complaint (ECF No. 20) in this action against Defendants Gary E. Herbert, Spencer Cox, Sean Reyes, Gail Miller, and Harris H. Simmons (“Defendants”). On June 3, 2020, and pursuant to the June 28, 2019 Order Referring Case (ECF No. 7), this action was reassigned to Magistrate Judge Jared C. Bennett. (ECF No. 21). On December 12, 2020, Judge Bennett issued a Report and Recommendation (ECF No. 22) (the “Report”) recommending that this court dismiss Plaintiff’s Amended Complaint with prejudice.

Pursuant to 28 U.S.C. § 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, Plaintiff had fourteen (14) days to file objections to the Report. This deadline was explained in the Report and the docket entry of the same. (*See* ECF No. 22). Plaintiff did not file objections to the Report.

After reviewing Plaintiff’s Amended Complaint together with the Report, the court agrees that the Amended Complaint fails to “state any claims upon which relief can be granted.” (ECF No. 22 at 14). As such, the court **HEREBY APPROVES OF AND ADOPTS** Judge Bennett’s Report and Recommendation (ECF No. 22) and, pursuant to 28 U.S.C.

1915(e)(2)(B)(ii), **DISMISSES** Plaintiff's Amended Complaint (ECF No. 20) **WITH PREJUDICE**. The court **DIRECTS** the Clerk of Court to **CLOSE** the above-captioned civil case.

DATED this 17th day of December, 2020.

BY THE COURT:



Clark Waddoups  
United States District Judge